



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Kenneth JUNCKER)
)
Appln. No.: 10/730,574)
)
Confirmation No.: 3069)
)
Filed: December 8, 2003)
)
Group Art Unit: 3671)
)
Examiner: Nathan S. Mammen)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP Amendment COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313-1450 on

June 7, 2005

Teresa Johnson

Name

Teresa Johnson

Signature

6/7/05

Date

For: SOIL STABILIZER WITH TRACK APPARATUS

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, ATI, Inc. , represents that the petitioner, ATI, Inc. is the owner of the entire right, title and interest of U.S. Application No. 09/627,861 (U.S. Patent No. 6,543,861, issued April 8, 2003) for TENSIONING DEVICE FOR TRACK APPARATUS by virtue of an Assignment from all of the inventors thereof executed on October 26, 2000, recorded on December 18, 2000 at Reel 011349, Frame 0465, as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/730,574 by virtue of an Assignment from all of the inventors thereof executed on December 8, 2003, recorded on May 18, 2004, at Reel 015340, Frame 0982.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Terminal Disclaimer
U.S. Appln. Serial No. 10/730,574

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/730,574 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Application No. 09/627,861, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/730,574 shall be enforceable only for and during such period that the legal title to any patent issuing from U.S. Application No. 09/627,861 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/730,574, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/730,574 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/730,574 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Application No. 09/627,861 in the event that any patent issuing from U.S. Application No. 09/627,861 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned whose signature and title appear below is empowered to act on behalf of petitioner.

Terminal Disclaimer
U.S. Appln. Serial No. 10/730,574

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



John W. Bain
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Date: **June 7, 2005**